

REMARKS

In the Office Action of May 22, 2007, the Examiner rejected claims 1, 2, 5, 6, 9, and 12-15. In response, Applicants have amended the claims to more clearly distinguish embodiments of the present invention. The limitation of claim 15 have been incorporated into claim 1, thus claim 15 is canceled. Based on the above amendments and following remarks, Applicants request reconsideration of the Application.

New Claims

New claims 33-38 have been added by way of the present Response. Specifically, claims 33-35 are dependent claims of claim 1. Support for claims 33-35 can be found at least with reference to FIG. 12. Therefore, no new matter is added.

Claim 36 comprises the limitations of amended claim 1 in addition to a limitation whereby the insect repelling resin product is configured to be elastically deformable in order to be applied to or about at least one object to be protected. Support for this additional limitation may be found at least with respect to original claim 6. Thus, no new matter is added.

Claim 37 comprises the limitations of claim 1 in addition to the limitations of original claim 9. Furthermore, the limitation of bundling a plurality of objects has been added. Support for this additional limitation may be found at least with reference to FIG. 12.

Because the new claims either depend from claim 1 or comprise the limitations of amended claim 1, the new claims are allowable over the cited references for at least the same reasons as those provided below with respect to amended claim 1. As such, Applicants do not believe the addition of the new claims require any further search by the Examiner.

Rejection Under 35 U.S.C. §102

On page 2 of the Office Action, the Examiner rejected claims 1, 2, 5, 13, and 15 as being anticipated by U.S. Patent No. 2,205,711 to Banks (hereinafter “*Banks*”).

Applicants traverse.

Independent claim 1 provides an insect repelling composition which is made of a mixture of a resin, an insect repelling component, and a compound configured to provide sustained-release property to the insect repelling component. These components are mixed together and used to form a geometric feature applicable to a path along which insects may travel to protect at least one object.

Banks is directed to a product whereby an absorbent pad 14 is essentially soaked with insecticide. This pad 14 is then sewn between two layers (plies 1 and 2) of material, whereby the insecticide may be released through openings (16 and 17) in the layer.

There are several points of distinction which prevents *Banks* from anticipating claim 1. First, the impregnation (i.e., soaking) of insecticide into the absorbent pad 14 does not teach an insect repelling composition which is made of a mixture of a resin, an insect repelling component, and a compound configured to provide sustained-release property to the insect repelling component formed into a geometric feature. Secondly, there is no discussion of the use of resins or a compound configured to provide sustained-release property to the insect repelling component over an extended period of time. The only materials discussed in *Banks* are leather and an absorbent pad.

For at least the above reasons, claim 1 is not anticipated by *Banks*. Furthermore, claims 2, 5, and 13 depend from claim 1. As such, claims 2, 5, and 13 are not anticipated by *Banks* for at least the same reasons as those of claim 1.

Further with respect to claim 13, the claim has been amended to clarify the composition of the fastening means. In exemplary embodiments, the entire insect repelling resin product is comprised of an insect repelling composition. Thus, the fastening means is comprised of the same insect repelling composition.

Rejection Under 35 U.S.C. §103

On page 3 of the Office Action, the Examiner rejected claims 1, 2, 5, 6, 9, and 12-15 as being unpatentable over U.S. Patent No. 5,392,559 to Long (hereinafter “*Long*”) in view of U.S. Patent No. 4,127,672 to Klier et al. (hereinafter “*Klier*”) and U.S. Patent No. 4, 879,117 to Rombi (hereinafter “*Rombi*”) or *Banks*. Applicants respectfully traverse.

As discussed above, *Banks* does not teach or suggest an insect repelling composition which is made of a mixture of a resin, an insect repelling component, and a compound configured to provide sustained-release property to the insect repelling component formed into a geometric feature. The addition of *Long*, *Klier*, and/or *Rombi* does not cure the deficiencies of *Banks*.

Long describes a product that protects against infestation without the use of insecticides. Instead, *Long* uses a surface coating of fluorocarbon resin film. This fluorocarbon resin film is a non-stick coating (e.g., Teflon) which prevents insects from traveling over the surface of the product due to the viscosity. *Long* clearly states that it is an object of his invention “to protect areas from infestation from crawling insects without using insecticides or toxic substances” (col. 4, lines 53-55). Therefore, *Long* not only teaches away from embodiments of the present invention, but *Long* teaches away from all of the other cited references. As such, there is no motivation or suggestion to combine *Long* with any of the cited references.

Klier is directed to an insect repellent which does not harm or damage plastic objects. However, stating that the repellent does not damage plastic objects is not

equivalent, nor does it teach or suggest, the mixture of insecticide with resin to form the insect repellent composition of claim 1. In fact, the cited portions of *Klier* merely discuss a new insect repelling agent which “do[es] not attack or damage plastic objects even after prolonged contact” (col. 1, lines 46-47).

A further reading of *Klier* indicates that testing the effect of this insect repelling agent on plastic objects was performed by immersing the plastic objects into the agent (col. 4, lines 16-26). Immersing a plastic object into insect repelling agent to prove non-damage to the plastic object does not teach an insect repelling composition which is made of a mixture of a resin, an insect repelling component, and a compound configured to provide sustained-release property to the insect repelling component.

Finally, *Rombi* teaches an inner element that comprises an insecticide. This inner element is then encased by a polymer casing. The casing acts as a diffuser for the insecticide whereby the insecticide migrates through links in the polymer. The inner element is “an internal support strip which can be compared with a sponge” that is impregnated with the insecticide (col. 2, lines 7-16). Once again, the reference does not teach an insect repelling composition which is made of a mixture of a resin, an insect repelling component, and a compound configured to provide sustained-release property to the insect repelling component formed into a geometric feature.

For all the reasons provided above, the combination of *Banks*, *Long*, *Klier*, and/or *Rombi* does not render obvious claim 1 of the present Application. Furthermore, claims 2, 5, 6, 9, and 12-15 depend from claim 1. As such, claims 2, 5, 6, 9, and 12-15 are not obvious for at least the same reasons as those of claim 1.

Specifically, claim 9 provides an insect repelling resin product wherein the geometric feature is a spiral shape. As can be seen in FIG. 7 and FIG. 8, the spiral shape allows the insect repelling resin product to be positioned around an object to be protected without any fastening means.

In contrast, *Banks* and *Rombi* both disclose a collar or strap, such as that used on a pet, that require a fastening means. The fastening means in both references is a buckle. These buckles are in all likelihood made of metal or plastic, but do not likely comprise the insect repelling component and a compound configured to provide sustained-release property to the insect repelling component. *Klier* does not teach any geometric features and *Long* is not a proper reference.

Claims 12 recites that “the geometric feature is an elastic strip further comprising a locking portion and an engagement portion.” Thus, the locking portion and the engagement portion of claim 12 is comprised of the insect repelling composition since the geometric feature is formed of the insect repelling composition. As discussed above, none of the cited references provide fastening means such as locking portion and engagement portions that comprise the insect repelling component and a compound configured to provide sustained-release property to the insect repelling component formed into the geometric feature.

Conclusion

Based on the foregoing remarks, Applicants believe the rejections to the claims have been overcome, and that the present Application is in condition for allowance. If the Examiner has any questions regarding the case, the Examiner is invited to contact Applicants' undersigned representative.

Respectfully submitted,
Osamu Igarashi et al.

Date: August 21, 2007

By: Susan Yee

Susan Yee, Reg. No. 41,388
Carr & Ferrell LLP
2200 Geng Road
Palo Alto, CA 94303
Phone: (650) 812-3400
Fax: (650) 812-3444